

FILE COPY

STATE OF WISCONSIN
BEFORE THE OPTOMETRY EXAMINING BOARD

IN THE MATTER OF THE DISCIPLINARY
PROCEEDINGS AGAINST

JEROME E. BECKER, O.D.,
RESPONDENT

:
:
:
:
:

FINAL DECISION AND ORDER
94 OPT 012

The parties to this action for the purposes of Wis. Stats. sec. 227.53 are:

Jerome E. Becker, O.D.
3526 W. Silver Spring Road
Milwaukee, WI 53209

Optometry Examining Board
P.O. Box 8935
Madison, WI 53708-8935

Department of Regulation and Licensing
Division of Enforcement
P.O. Box 8935
Madison, WI 53708-8935

The parties in this matter agree to the terms and conditions of the attached Stipulation as the final decision of this matter, subject to the approval of the Board. The Board has reviewed this Stipulation and considers it acceptable.

Accordingly, the Board in this matter adopts the attached Stipulation and makes the following:

FINDINGS OF FACT

1. Jerome E. Becker, O.D. (D.O.B. 2/17/31) is duly licensed as an optometrist in the state of Wisconsin (license #1206). This license was first granted on June 5, 1956.
2. Dr. Becker's address is 3526 W. Silver Spring Road, Milwaukee, Wisconsin, 53209.
3. On February 10, 1994, the Respondent saw patient CT for an eye examination.
4. The Respondent's examination records for patient CT do not properly document that a minimum visual examination was conducted as defined in OPT 1.02(5), Wis. Adm. Code.

CONCLUSIONS OF LAW

1. The Board has jurisdiction to take disciplinary action against the Respondent pursuant to sec. 449.07, Wis. Stats.
2. That by failing to record all required patient information, the Respondent has violated OPT 5.08, Wis. Adm. Code.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that Jerome E. Becker is REPRIMANDED.

IT IS FURTHER ORDERED that the Respondent shall pay partial costs of the proceeding in the sum of \$150.

OPTOMETRY EXAMINING BOARD

By: 

A Member of the Board

Date

12/6/96

STATE OF WISCONSIN
BEFORE THE OPTOMETRY EXAMINING BOARD

IN THE MATTER OF	:	
DISCIPLINARY PROCEEDINGS AGAINST	:	STIPULATION
JEROME E. BECKER, O.D.,	:	94 OPT 012
RESPONDENT	:	

It is hereby stipulated between Jerome E. Becker, personally on his own behalf and Michael J. Berndt, Attorney for the Department of Regulation and Licensing, Division of Enforcement, as follows that:

1. This Stipulation is entered into as a result of a pending investigation of Dr. Becker's licensure by the Division of Enforcement (94 OPT 012). Dr. Becker consents to the resolution of this investigation by stipulation and without the issuance of a formal complaint.

2. Dr. Becker understands that by the signing of this Stipulation he voluntarily and knowingly waives his rights, including: the right to a hearing on the allegations against him, at which time the state has the burden of proving those allegations by a preponderance of the evidence; the right to confront and cross-examine the witnesses against him; the right to call witnesses on his behalf and to compel their attendance by subpoena; the right to testify himself; the right to file objections to any proposed decision and to present briefs or oral arguments to the officials who are to render the final decision; the right to petition for rehearing; and all other applicable rights afforded to him under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, and the Wisconsin Administrative Code.

3. Dr. Becker is aware of his right to seek legal representation and has been provided an opportunity to obtain legal advice prior to signing this stipulation.

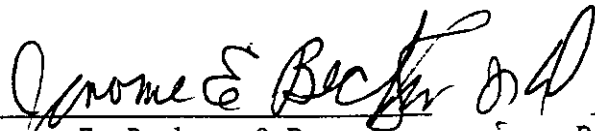
4. Dr. Becker agrees to the adoption of the attached Final Decision and Order by the Optometry Examining Board. The parties to the Stipulation consent to the entry of the attached Final Decision and Order without further notice, pleading, appearance or consent of the parties. Respondent waives all rights to any appeal of the Board's order, if adopted in the form as attached.

5. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this Stipulation, and the matter shall be returned to the Division of Enforcement for further proceedings. In the event that this Stipulation is not accepted by the Board, the parties agree not to contend that the Board has been prejudiced or biased in any manner by the consideration of this attempted resolution.

6. The parties to this stipulation agree that the attorney for the Division of Enforcement and the member of the Optometry Examining Board assigned as an advisor in this investigation may appear before the Optometry Examining Board for the purposes of speaking in support of this

agreement and answering questions that the members of the Board may have in connection with their deliberations on the stipulation.

7. The Division of Enforcement joins Dr. Becker in recommending the Optometry Examining Board adopt this Stipulation and issue the attached Final Decision and Order.


Jerome E. Becker, O.D. Date 10-3-96


Michael J. Berndt, Attorney
Division of Enforcement Date 10/9/96

Department of Regulation & Licensing

State of Wisconsin

P O. Box 8935, Madison, WI 53708-8935
(608)

TTY# (608) 267-2416, hearing or speech
TRS# 1-800-947-3529 impaired only

GUIDELINES FOR PAYMENT OF COSTS AND/OR FORFEITURES

On December 6, 1996, the Optometry Examining Board
took disciplinary action against your license. Part of the discipline was an assessment of costs and/or a
forfeiture.

The amount of the costs assessed is: \$150.00 Case #: 94OPT012

The amount of the forfeiture is: _____ Case # _____

Please submit a check or a money order in the amount of \$ 150.00

The costs and/or forfeitures are due: January 5, 1997

NAME: Jerome E. Becker, O.D. LICENSE NUMBER: 1206

STREET ADDRESS: 3526 W. Silver Spring Road

CITY: Milwaukee STATE: WI ZIP CODE: 53209

Check whether the payment is for costs or for a forfeiture or both:

X COSTS _____ FORFEITURE

Check whether the payment is for an individual license or an establishment license:

X INDIVIDUAL _____ ESTABLISHMENT

If a payment plan has been established, the amount due monthly is:

Make checks payable to:

**DEPARTMENT OF REGULATION AND LICENSING
1400 E. WASHINGTON AVE., ROOM 141
P.O. BOX 8935
MADISON, WI 53708-8935**

For Receipting Use Only

#2145 (Rev. 9/96)
Ch. 440.22, Stats.
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STATE OF WISCONSIN
DEPARTMENT OF REGULATION AND LICENSING
BEFORE THE OPTOMETRY EXAMINING BOARD

In the Matter of the Disciplinary Proceedings Against

Jerome E. Becker, O.D.,

AFFIDAVIT OF MAILING

Respondent.

STATE OF WISCONSIN)
)
COUNTY OF DANE)

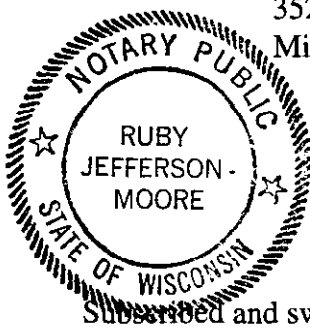
I, Kate Rotenberg, having been duly sworn on oath, state the following to be true and correct based on my personal knowledge:

1. I am employed by the Wisconsin Department of Regulation and Licensing.

2. On December 10, 1996, I served the Final Decision and Order dated December 6, 1996 and Guidelines for Payment of Costs and/or Forfeitures upon the Respondent Jerome E. Becker, O.D. by enclosing a true and accurate copy of the above-described document in an envelope properly stamped and addressed to the above-named Respondent and placing the envelope in the State of Wisconsin mail system to be mailed by the United States Post Office by certified mail. The certified mail receipt number on the envelope is P 213 340 278.

3. The address used for mailing the Decision is the address that appears in the records of the Department as the Respondent's last-known address and is:

Jerome E. Becker, O.D.
3526 W. Silver Spring Road
Milwaukee WI 53209



Kate Rotenberg

Kate Rotenberg

Department of Regulation and Licensing
Office of Legal Counsel

Subscribed and sworn to before me

this 10th day of December, 1996.

Ruby Jefferson-Moore

Notary Public, State of Wisconsin

My commission is permanent.

NOTICE OF APPEAL INFORMATION

Notice Of Rights For Rehearing Or Judicial Review, The Times Allowed For Each. And The Identification Of The Party To Be Named As Respondent.

Serve Petition for Rehearing or Judicial Review on:

STATE OF WISCONSIN OPTOMETRY EXAMINING BOARD

1400 East Washington Avenue

P.O. Box 8935

Madison, WI 53708.

The Date of Mailing this Decision is:

December 10, 1996

1. REHEARING

Any person aggrieved by this order may file a written petition for rehearing within 20 days after service of this order, as provided in sec. 227.49 of the *Wisconsin Statutes*, a copy of which is reprinted on side two of this sheet. The 20 day period commences the day of personal service or mailing of this decision. (The date of mailing this decision is shown above.)

A petition for rehearing should name as respondent and be filed with the party identified in the box above.

A petition for rehearing is not a prerequisite for appeal or review.

2. JUDICIAL REVIEW.

Any person aggrieved by this decision may petition for judicial review as specified in sec. 227.53, *Wisconsin Statutes* a copy of which is reprinted on side two of this sheet. By law, a petition for review must be filed in circuit court and should name as the respondent the party listed in the box above. A copy of the petition for judicial review should be served upon the party listed in the box above.

A petition must be filed within 30 days after service of this decision if there is no petition for rehearing, or within 30 days after service of the order finally disposing of a petition for rehearing, or within 30 days after the final disposition by operation of law of any petition for rehearing.

The 30-day period for serving and filing a petition commences on the day after personal service or mailing of the decision by the agency, or the day after the final disposition by operation of the law of any petition for rehearing. (The date of mailing this decision is shown above.)